Docket No.: <u>7675 (3225-034)</u>

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE RECEIVED

In re Application of

FEB 0 1 2002

Boland

Technology Center 2100

Serial No. 09/086,627

Group Art Unit: 2153

Filed: May 29, 1998

Examiner: B. EDELEMAN



METHOD AND APPARATUS FOR ALLOCATING NETWORK RESOURCES AND CHANGING THE ALLOCATION BASED ON DYNAMIC WORKLOAD CHANGES

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

Honorable Commissioner of Patents and Trademarks Washington, D. C. 20231

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated September 27, 2001 of the Primary Examiner finally rejecting claims 1-5, 7 and 9-16.

Appeal Fee: \$ 320.00

[] Not required (fee paid in prior appeal in this application).

[X] Charge to credit card (form attached).

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

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Serial No. 09/086,627

including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP

Kenneth M. Berner

Registration No. 37,093

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Date: January 28, 2002

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